

MINUTES  
**SENATE STATE AFFAIRS COMMITTEE**

**DATE:** Friday, January 27, 2017

**TIME:** 8:00 A.M.

**PLACE:** Room WW55

**MEMBERS PRESENT:** Vice Chairman Hagedorn, Senators Hill, Winder, Lodge, Lakey, Stennett, and Buckner-Webb

**ABSENT/ EXCUSED:** Chairman Siddoway and Senator Davis

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Vice Chairman Hagedorn** called the Senate State Affairs Committee (Committee) to order at 8:00 a.m.

**RS 24811** **Larry Johnson**, Manager of Investments, Endowment Fund Investment Board (EFIB), explained that **RS 24811** would change the compensation for EFIB members from salary to an honorarium. That change would remove any conflict when making 401K contributions because the members are no longer part of the Public Employee Retiree System of Idaho (PERSI).

**MOTION:** **Senator Buckner-Webb** moved to send **RS 24811** to print. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

**H 01** **Representative Tom Loertscher** explained that the purpose of **H 01** is to amend the Administrative Procedures Act to conform to the language in HJR 5 passed during the 2016 general election. The bill clarifies what the term "in whole or in part" means.

**Senator Lakey** asked for clarification on "or the entirety of any new or amended language contained therein." Does that mean that if there is more than one portion of amended language in a subsection, can one of those new portions be removed? **Representative Loertscher** answered that anything that is new can be taken out even though it is not part of a complete numerical or alphabetical designation.

**MOTION:** **Senator Lakey** moved to send **H 01** to the Senate floor with a **do pass** recommendation. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

**VOTE ON GUBERNATORIAL APPOINTMENT:** **Senator Winder** moved to send the Gubernatorial reappointment of Gary L. Mahn to the Idaho Endowment Fund Investment Board to the Senate floor with the recommendation that he be confirmed by the Senate. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

**VOTE ON GUBERNATORIAL APPOINTMENT:** **Senator Stennett** moved to send the Gubernatorial reappointment of Kerry Murray to the Treasurer's Investment Advisory Board to the Senate floor with the recommendation that he be confirmed by the Senate. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

**VOTE ON GUBERNATORIAL APPOINTMENT:** **Senator Lodge** moved to send the Gubernatorial reappointment of Gary Glenn Michael to the Treasurer's Investment Advisory Board to the Senate floor with the recommendation that he be confirmed by the Senate. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

**VOTE ON  
GUBERNATORIAL  
APPOINTMENT:**

**Senator Buckner-Webb** moved to send the Gubernatorial reappointment of Gary Glenn Michael to the Idaho Lottery Commission to the Senate floor with the recommendation that he be confirmed by the Senate. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL  
APPOINTMENT:**

The Gubernatorial reappointment of Brian Scigliano to the Idaho Commission on Human Rights.

**Mr. Scigliano** said he has served on the Human Rights Commission for nine years, been a resident of Boise for 18 years, and works in the financial services industry for his day job.

**Senator Buckner-Webb** asked Mr. Scigliano what he found to be the most surprising or challenging task during his time on the Human Rights Commission. **Mr. Scigliano** replied the most surprising thing was that most employers in the State try to do the best and right thing for their employees. Many cases have been successfully mediated by the Human Rights Commission before litigation.

**Senator Winder** thanked Mr. Scigliano for his time and service then asked what kind of challenges Mr. Scigliano saw as a board member or as a community that were not getting addressed as well as they could be. **Mr. Scigliano** said the cases before the Human Rights Commission have been fairly consistent as far as the categories. The projected growth in the area will probably increase the number but not the type of cases they see. **Senator Winder** inquired if there was enough staff support and asked how the office was organized. **Mr. Scigliano** replied the staff has been excellent; it is a very professional environment. The staff is adequate at this time..

**GUBERNATORIAL  
APPOINTMENT:**

The Gubernatorial reappointment of Megan Ronk to the Idaho Commission on Human Rights.

**Ms. Ronk** said she has served on the Human Rights Commission since 2008 and she also serves as the Director for the Idaho Department of Commerce.

**Ms. Ronk** stated that it has been an honor and privilege to serve on the Human Rights Commission. She agreed with Mr. Scigliano that they have a great responsibility to ensure that people are treated fairly and equitably. The responsibility to investigate the cases that are filed is taken very seriously by the Human Rights Commission. They have a very talented staff that do an excellent job under the direction of administrator, Ms. Linda Goodman.

**Senator Stennett** asked if Ms. Ronk felt capable of doing both jobs, serving as the Director of Commerce and serving on the Human Rights Commission. **Ms. Ronk** stated that she was prepared to do both jobs and explained how she has been able to balance the work load. **Senator Stennett** asked Ms. Ronk what she could apply to her employees after being on the Human Rights Commission.

**Ms. Ronk** stated that there has been a tightening of labor so companies have to compensate and treat their employees well. It is very difficult to replace talented employees. The hope is that employers will invest more in training and making sure managers understand their role and responsibilities related to human rights issues. The Human Rights Commission has been proactive in providing training for employers so they know the boundaries that they need to work within.

**Senator Hill** asked , when there is a violation, do employers take corrective action to see it isn't repeated. Do certain employers have recurring violations? **Ms. Ronk** responded that the threshold to claim a violation was high so repeat offenders were rare. **Ms. Ronk** explained what the commissioners do to alleviate instances where violations are repeated by the same employer. **Senator Hill** asked what factors determine the range of compensation. **Ms. Ronk** responded that, through mediation, the parties come to terms. It is not always financial

compensation, it could be the person gets their job back or would not have to work for the same manager. Those issues are handled through professional, experienced mediators.

**GUBERNATORIAL  
APPOINTMENT:**

The Gubernatorial reappointment of Estella Zamora to the Idaho Commission on Human Rights.

**Ms. Zamora** gave a brief review of her years of living and working in Canyon County. **Ms. Zamora** explained that she was appointed by Governor Andrus and has served on the Human Rights Commission under every Governor since over a period of 20 years. She has worked with Directors Shuler, Goddard, Parks, and now Ms. Goodman. The investigators and staff have done excellent work over the years. **Ms. Zamora** stated that she asked for reappointment because the case work they do and the people they serve is important. Every person in the State deserves dignity and respect.

**Vice Chairman Hagedorn** asked if Ms. Zamora had seen a change in employer actions towards their employees during the 20 years of working on the Human Rights Commission. **Ms. Zamora** said she has seen some changes by employers as well as the way the Human Rights Commission works with employers. The Human Rights Commission has provided more services to employers. They saw more repeat offenders when she first served on the Human Rights Commission than they do today.

**Senator Lakey** asked Ms. Zamora to describe how the deliberative process works with the commissioners. Is it an effective and good process? **Ms. Zamora** responded "yes." When the Human Rights Commission receives the cases, they review them independently, come together as a group either by telephone or in person to discuss the cases, and then they either agree or disagree with the investigation that was done by the staff. If they have questions, they refer back to the investigator to get answers. The commissioners then come to an agreement to find cause or no cause. **Senator Lakey** asked if the process has been effective. **Ms. Zamora** replied in the affirmative.

**Senator Buckner-Webb** commented that the demographics in the State have changed considerably, has the existence of the Human Rights Commission been made available to those new communities. Do they know they have a resource if they have issues with their employers? **Ms. Zamora** agreed there has been a lot of change and she believes that people are aware of the existence of the Human Rights Commission. There is a lot of work that needs to be done, they need to do more.

**Senator Hill** asked for clarification on what "do more" means to Ms. Zamora. **Ms. Zamora** explained that they have the website and it is now in Spanish. The Human Rights Commission needs more outreach and visibility to support human rights for everyone. The Human Rights Commission is there for all people, not a specific group. The Human Rights Commission has a charge to further the effort for human rights in the State.

**GUBERNATORIAL  
APPOINTMENT:**

The Gubernatorial reappointment of Paul Jagosh to the Idaho Commission on Human Rights.

**Mr. Jagosh** stated that he moved to the State in 1990 to go to college, fell in love with the State, then fell in love with his bride, and decided Idaho was the state for him. He is a full time detective in a local police agency and wears a green tag representing the Idaho Fraternal Order of Police. He is relatively new to the Human Rights Commission so he generally takes the position to sit back and watch, learn, and be mentored by the people who are more experienced. As an

investigator, he reads the reports. It is a good fit because he reads reports and applies law in his day job. The Human Rights Commission investigators are very thorough and write very good reports that make it easy to understand what has happened and whether or not it is a violation. **Mr. Jagosh** said he is happy to be on the Human Rights Commission.

**Senator Buckner-Webb** asked if subpoena power would be an effective tool for the Human Rights Commission. **Mr. Jagosh** replied that discussion about subpoena power has come up in some of their meetings but he hasn't been told why they would need it. Subpoena power is a great responsibility. However, **Mr. Jagosh** said he would be comfortable using subpoena power because of the investigative reports he has seen and the meetings he has had with investigators. The investigators would do a good job and would not abuse the use of those powers. He did not have information for how it would help the flow of investigations. **Senator Buckner-Webb** asked if subpoena power would be more effective when getting information to solve an investigation. **Mr. Jagosh** stated, as a police officer he did not have subpoena powers. Police officers go through the local prosecutors office. **Senator Buckner-Webb** asked if it helped with detail after getting the subpoena. **Mr. Jagosh** replied yes, the information from subpoenas was very helpful with investigations. Many times, the police could not proceed without the information those subpoenas produced.

**Senator Stennett** asked, from Mr. Jagosh's perspective, what were the first things that impacted you when you first became a member of the Human Rights Commission. **Mr. Jagosh** said he was surprised by the number of cases that were about employment law. **Senator Stennett** asked if Mr. Jagosh had any comments on improvements that could be made to the Human Rights Commission. **Mr. Jagosh** said the investigators wrote good reports and it is a very professional organization. He had no suggestions.

**Vice Chairman Hagedorn** asked Mr. Jagosh what training he would recommend for future appointees to the Human Rights Commission. **Mr. Jagosh** said going to the office, meeting the Director and the investigators, talking with other commissioners, keeping an open mind, and learning from the people with experience would be his best advice.

**Vice Chairman Hagedorn** thanked all of the appointees for their time and service on the Human Rights Commission and for appearing before the Committee. He explained that voting would take place at the next meeting.

**ADJOURNED:**

There being no further business, **Vice Chairman Hagedorn** adjourned the meeting at 8:45 a.m.

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Senator Siddoway  
Chair

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Twyla Melton, Secretary

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Audrey Hayes, Assistant Secretary